

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYRONE SINGLETON,

Plaintiff

v.

HARRY LUAREL, et al.,

Defendants

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Civil No. 1:13-cv-2711

Judge Sylvia H. Rambo

Magistrate Judge Schwab

ORDER

Before the court is a July 29, 2015 report and recommendation of the magistrate judge (Doc. 17) to whom this matter was referred, in which she recommends that Defendant's motion to dismiss (Doc. 13) be granted and that Plaintiff be given leave to amend his complaint. Objections to the report and recommendation were due no later than August 17, 2015, and, to date, no objections have been filed.

Therefore, upon consideration of the record before the court and the applicable law, **IT IS HEREBY ORDERED THAT:**

- 1) The court adopts the report and recommendation of Magistrate Judge Schwab (Doc. 17);
- 2) Plaintiff's claims for injunctive and declaratory relief are **DISMISSED** as moot;
- 3) Plaintiff's claim of a due process violation is **DISMISSED**;
- 4) Plaintiff is granted leave to amend his complaint in accordance with this order and the accompanying report and recommendation no later than October 19, 2015. Any amended complaint shall be complete in and of itself and shall be filed within fourteen days from today's date;
- 5) In the event an amended complaint is filed, the Clerk of Court is directed to remand this case to the magistrate judge;

- 6) Failure to file an amended complaint shall result in the closure of this action.

s/Sylvia H. Rambo
United States District Judge

Dated: September 24, 2015.